

## Endnotes

i "HOMELESS CHILDREN.—The term 'homeless children' has the meaning given the term 'homeless children and youths' in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)."

### Section 602(11)

ii "PARENT.—The term 'parent' means—

- (A) a natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent);
- (B) a guardian (but not the State if the child is a ward of the State);
- (C) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- (D) except as used in sections 615(b)(2) and 639(a)(5), an individual assigned under either of those sections to be a surrogate parent."

### Section 602(23)

iii "WARD OF THE STATE.—

- (A) IN GENERAL.—The term 'ward of the State' means a child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency.
- (B) EXCEPTION.—The term does not include a foster child who has a foster parent who meets the definition of a parent in paragraph (23)."

### Section 602(36)

iv "(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:...

#### (3) CHILD FIND.—

(A) IN GENERAL.—All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services."

### Section 612(a)(3)(A)

v "(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:...

#### ... (11) STATE EDUCATIONAL AGENCY RESPONSIBLE FOR GENERAL SUPERVISION.—

(A) IN GENERAL.—The State educational agency is responsible for ensuring that—...

(iii) in carrying out this part with respect to homeless children, the requirements of subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) are met."

### Section 612(a)(11)(A)(iii)

vi "(a) IN GENERAL.—A State is eligible for assistance under this part for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the following conditions:...

#### ... (21) STATE ADVISORY PANEL.—

"(A) IN GENERAL.—The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

(B) MEMBERSHIP.—Such advisory panel shall consist of members appointed by the Governor, or any other official authorized under State law to make such appointments, be representative of the State population, and be composed of individuals involved in, or concerned with, the education of children with disabilities, including—

... (v) State and local education officials, including officials who carry out activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.);

... (x) a representative from the State child welfare agency responsible for foster care; ...

#### (D) DUTIES.—The advisory panel shall—

- (i) advise the State educational agency of unmet needs within the State in the education of children with disabilities;
- (ii) comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities;
- (iii) advise the State educational agency in developing evaluations and reporting on data to the Secretary under section 618;
- (iv) advise the State educational agency in developing corrective action plans to address findings identified in Federal monitoring reports under this part; and
- (v) advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities."

### Section 612(a)(21)

vii "EVALUATIONS, PARENTAL CONSENT, AND REEVALUATIONS.—

#### (1) INITIAL EVALUATIONS.—

##### ... (C) PROCEDURES.—

(i) IN GENERAL.—Such initial evaluation shall consist of procedures—

(I) to determine whether a child is a child with a disability (as defined in section 602) within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe; and

(II) to determine the educational needs of such child."

*Section 614(a)(1)(C)*

viii "(b) EVALUATION PROCEDURES.—...

...(3) ADDITIONAL REQUIREMENTS.—Each local educational agency shall ensure that—...

(D) assessments of children with disabilities who transfer from 1 school district to another school district in the same academic year are coordinated with such children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations."

*Section 614(b)(3)(D)*

ix "EXCEPTION.—The relevant timeframe in subparagraph (i)(I) shall not apply to a local educational agency if—

(I) a child enrolls in a school served by the local educational agency after the relevant timeframe in clause (i)(I) has begun and prior to a determination by the child's previous local educational agency as to whether the child is a child with a disability (as defined in section 602), but only if the subsequent local educational agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent local educational agency agree to a specific time when the evaluation will be completed."

*Section 614(a)(1)(C)(ii)*

\* "(d) INDIVIDUALIZED EDUCATION PROGRAMS...

(2) REQUIREMENT THAT PROGRAM BE IN EFFECT.—

...(C) PROGRAM FOR CHILDREN WHO TRANSFER SCHOOL DISTRICTS.—

(i) IN GENERAL.—

(I) TRANSFER WITHIN THE SAME STATE.—In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in the same State, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law.

(II) TRANSFER OUTSIDE STATE.—In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another State, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency conducts an evaluation pursuant to subsection (a)(1), if determined to be necessary by such agency, and develops a new IEP, if appropriate, that is consistent with Federal and State law."

*Section 614(d)(2)(C)(i)*

xi "(ii) TRANSMITTAL OF RECORDS.—To facilitate the transition for a child described in clause (i)—

(I) the new school in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school in which the child was enrolled, pursuant to section 99.31(a)(2) of title 34, Code of Federal Regulations; and

(II) the previous school in which the child was enrolled shall take reasonable steps to promptly respond to such request from the new school."

*Section 614(d)(2)(C)(ii)*

xii "TYPES OF PROCEDURES.—The procedures required by this section shall include the following:

...(2)(A) Procedures to protect the rights of the child whenever the parents of the child are not known, the agency cannot, after reasonable efforts, locate the parents, or the child is a ward of the State, including the assignment of an individual to act as a surrogate for the parents, which surrogate shall not be an employee of the State educational agency, the local educational agency, or any other agency that is involved in the education or care of the child. In the case of—...

(ii) an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(6)), the local educational agency shall appoint a surrogate in accordance with this paragraph.

(B) The State shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 days after there is a determination by the agency that the child needs a surrogate."

*Section 615(b)(2)*

Report language:

"In light of the fact that unaccompanied homeless youth are a particularly mobile population, once the school district has made a determination that such youth require a surrogate, the Conferees encourage States or local educational agencies where allowed by law to quickly appoint a surrogate or refer the child to the child welfare system if consistent with State law. The Conferees recognize that, because the parents of homeless unaccompanied youth may be unavailable or unwilling to participate in the youth's education, homeless unaccompanied youth face unique problems in obtaining a free appropriate public education. Accordingly, the Conferees intend that the surrogate parent process be available for such youth, to ensure that they are provided with a free appropriate public education...."

*Report Page 44 (189)*

xiii "...Furthermore, the Conferees intend that appropriate staff members of emergency shelters, transitional shelters, independent living programs, and street outreach programs not be considered to be employees of agencies involved in the education or care of youth, for purposes of the prohibition of certain agency employees from acting as surrogates for parents as set forth in Sec. (b)(2)(A), provided that a such role is temporary until a surrogate can be appointed that meets the requirements and such role in no way conflicts with, or is in derogation of, the provision of a free appropriate public education to these youth."

*Report Page 44 (189)*

xiv "(iii) CONSENT FOR WARDS OF THE STATE.—

(I) IN GENERAL.—If the child is a ward of the State and is not residing with the child's parent, the agency shall make reasonable efforts to obtain the informed consent from the parent (as defined in section 602) of the child for an initial evaluation to determine whether the child is a child with a disability.

(II) EXCEPTION.—The agency shall not be required to obtain informed consent from the parent of a child for an initial evaluation to determine whether the child is a child with a disability if—

(aa) despite reasonable efforts to do so, the agency cannot discover the whereabouts of the parent of the child;

(bb) the rights of the parents of the child have been terminated in accordance with State law; or  
(cc) the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child."

*Section 614(a)(1)(C)(iii)*

xv "(2)(A) ...In the case of—

"(i) a child who is a ward of the State, such surrogate may alternatively be appointed by the judge overseeing the child's care provided that the surrogate meets the requirements of this paragraph...."

*Section 615(b)(2)(A)(i)*

xvi "EARLY INTERVENING SERVICES.—

(1) IN GENERAL.—A local educational agency may not use more than 15 percent of the amount such agency receives under this part for any fiscal year, less any amount reduced by the agency pursuant to subsection (a)(2)(C), if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade 3) who have not been identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment.

(2) ACTIVITIES.—In implementing coordinated, early intervening services under this subsection, a local educational agency may carry out activities that include—

... (B) providing educational and behavioural evaluations, services, and supports, including scientifically based literacy instruction."

*Section 613(f)*

xvii "TYPES OF PROCEDURES.—The procedures required by this section shall include the following:

... (7)(A) Procedures that require either party, or the attorney representing a party, to provide due process complaint notice in accordance with subsection (c)(2) (which shall remain confidential)—

(ii) that shall include—

(I) the name of the child, the address of the residence of the child (or available contact information in the case of a homeless child), and the name of the school the child is attending;

(II) in the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child and the name of the school the child is attending...."

*Section 615(b)(7)(A)(ii)*

xviii "In order to be eligible for a grant under section 633, a State shall provide assurances to the Secretary that the State—

(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State"

*Section 634(1)*

xix "(a) IN GENERAL.—A statewide system described in section 633 shall include, at a minimum, the following components:...

(2) A State policy that is in effect and that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State and infants and toddlers with disabilities who are homeless children and their families."

*Section 635(a)(2)*

xx "ASSURANCES.—The application described in subsection (a)—...

(7) shall provide satisfactory assurance that policies and procedures have been adopted to ensure meaningful involvement of underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, in the planning and implementation of all the requirements of this part."

*Section 637(b)(7)*

xxi "The Conferees intend that the public awareness program include a broad range of referral sources such as homeless family shelters, clinics and other health service related offices, public schools and officials and staff in the child welfare system."

*Report page 68 (290)*

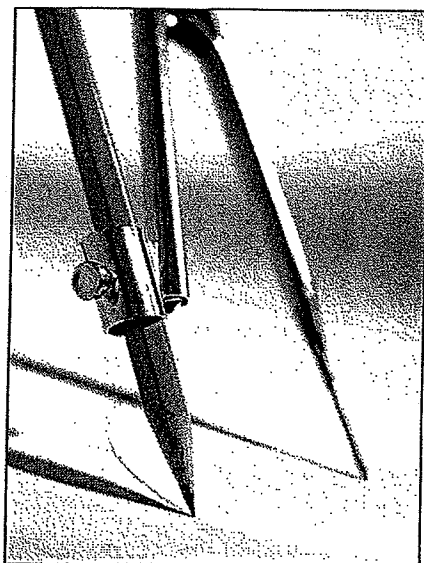
xxii "IN GENERAL.—The council shall be composed as follows:...

(K) OFFICE OF THE COORDINATOR OF EDUCATION OF HOMELESS CHILDREN AND YOUTH.—Not less than 1 member shall be a representative designated by the Office of Coordinator for Education of Homeless Children and Youths.

(L) STATE FOSTER CARE REPRESENTATIVE.—Not less than 1 member shall be a representative from the State child welfare agency responsible for foster care."

*Section 641(b)(1)(K) and (L)*

## Title I and Homelessness



*The McKinney-Vento Homeless Assistance Act (Subtitle B—Education for Homeless Children and Youth), reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness. This brief explains how the McKinney-Vento Act intersects with Title I, Part A, of the No Child Left Behind Act (NCLB) and offers strategies for effective collaboration. Briefs on additional topics pertaining to homeless education and related laws may be found at [www.serve.org/nche/briefs.php](http://www.serve.org/nche/briefs.php).*

Title I, Part A, of the No Child Left Behind Act (NCLB) provides financial assistance through State Educational Agencies (SEAs) to Local Educational Agencies (LEAs or school districts) and public schools with high numbers or percentages of disadvantaged children to help ensure that all children meet challenging state academic content and student academic achievement standards. Title I is designed to support state and local school reform efforts tied to challenging state academic standards in order to reinforce efforts to improve teaching and learning for students struggling to meet state standards.

Homeless students are part of Title I, Part A's target population of disadvantaged students. However, the high mobility, trauma, and deep poverty associated with homelessness create unique educational barriers and challenges. Homelessness is associated with lower standardized test scores<sup>1</sup> and a higher likelihood of missing school and/or experiencing multiple transfers.<sup>2</sup> Thus, homeless students often require additional supports for academic achievement and success on state assessments.

Many challenges faced by homeless students are addressed within the McKinney-Vento Homeless Assistance Act. However, Title I, Part A, is also in a critical position to play a significant role in the academic achievement of homeless children and youth. For this reason, Congress included specific provisions related to homelessness within Title I, Part A.

### Automatic Eligibility

Children and youth who are homeless are automatically eligible for Title I, Part A, services, whether or not they attend a Title I school or meet the academic standards required of other children for eligibility.<sup>3</sup> This automatic eligibility acknowledges that the experience of homelessness puts children at significant risk of academic failure, regardless of their previous academic standing.

#### **Who is homeless? (McKinney-Vento Homeless Assistance Act of 2001 – Title X, Part C of the No Child Left Behind Act – Sec 725)**

**The term "homeless children and youth"—**

- A. means individuals who lack a fixed, regular, and adequate nighttime residence..., and**
- B. includes —**
  - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;**
  - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings...**
  - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and**
  - iv. migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).**

## Mandatory Reservations of Funds

According to Title I, Part A, LEAs must reserve (or set aside) such funds as are necessary to provide comparable services to homeless children who are not attending Title I schools. [20 USC 6313(c)(3)]

Because homeless children and youth often face unique barriers when accessing educational programs and striving for academic success, ensuring that these students receive "comparable" services may require additional programming that is not provided to other Title I students. For instance, Title I, Part A, states that it is appropriate to provide educationally-related support services, such as tutoring, to children at shelters or other places where homeless children may live, such as motels. [20 USC 6313(c)(3)(A)] In addition, Guidance from the U.S. Department of Education states that LEAs may use reserved funds to provide homeless students with services that are not ordinarily provided to other Title I students and that are not available from other sources. The Guidance offers an example of using reserved funds to provide clothing to meet a school's dress or uniform requirements.<sup>4</sup> Hence, in determining appropriate expenditures for the funds set aside for homeless students, it is important to note that *comparable* services do not mean services that are necessarily *identical* to other Title I, Part A, services.

LEAs must establish their own methods for allocating Title I, Part A, set asides for homeless children and youth who are not attending Title I schools. Generally, these methods involve conducting a needs assessment for homeless students in the LEA or basing the set-aside amount on a formula, such as a per pupil expenditure. Determining an appropriate amount requires coordination between the LEA Title I and homeless education programs. For more information on calculating the mandatory set aside, visit

[www.serve.org/nche/downloads/calculating\\_setasides.pdf](http://www.serve.org/nche/downloads/calculating_setasides.pdf)

In addition to serving homeless students not enrolled in Title I schools, U.S. Department of Education Guidance states that set asides also can be used to provide services to homeless students who *are* attending Title I schools.<sup>5</sup> In determining the set-aside amount, LEAs should allow for the provision of services to homeless students who attend Title I schools that will meet the unique needs of these children above and beyond the regular Title I programs at those schools, as well as for the provision of services to homeless students who do not attend Title I schools.

## Serving Homeless Students in Title I Schools

Homeless students who attend Title I schoolwide or targeted assistance schools may have unique challenges that are not addressed by the regular Title I program at these schools. These challenges may create barriers to full participation in Title I programs and defeat the overarching program goal of helping all students meet challenging state standards. For instance, students residing in shelters, motels, or other overcrowded conditions may not have a quiet place to study at the end of the day and may require extended after-school library time; or, a student who is dealing with the stress and anxiety associated with homelessness may not be able to focus on his or her studies and may benefit from school counseling services. Through Title I, Part A, or Title I, Part A, in conjunction with a McKinney-Vento subgrant, homeless students can take part in services that enable them to benefit more from a school's Title I program.

(continued on the next page)

**Schoolwide Programs.** Schoolwide Title I schools are required to do a needs assessment and develop strategies to address the needs of *all* children in the school. [20 USC 6314(b)(1)] Subpopulations of children, such as homeless, who attend these schools should have their unique needs addressed within schoolwide programs designed for all students.

**Targeted Assistance Schools.** Targeted assistance schools are charged with using their programming resources to help participating children meet academic achievement standards. These schools must provide services to children who have the greatest need for special assistance. The No Child Left Behind Act specifically notes that homeless children are included within the population of those designated with greatest needs. [20 USC 6315(b)] Because they frequently experience educational challenges related to mobility, family disruption, and extreme poverty, homeless students may require additional programming.

As stated in the prior section, Title I set-aside funds may support services to address the additional needs of homeless students attending Title I schools.

### **Coordinating and Supplementing Homeless Education Programs**

Title I, Part A, funds may not be used to provide services that are *required* under the McKinney-Vento Act, such as providing transportation to and from the school of origin while a student is experiencing homelessness. However, Title I, Part A, funds may be used to coordinate, supplement, or enhance required services. [20 USC 6315(b)(3)] For example, Title I, Part A, funds may be used for transportation to the school of origin for the remainder of the school year once a child becomes permanently housed.

In addition, many LEAs have used Title I, Part A, funds to furnish salaries for local liaisons and support staff who ensure that homeless children receive necessary services. Although local liaisons are required by the McKinney-Vento Act, Title I, Part A, funds can be used to enhance the services the liaison provides, by allowing the liaison to spend more time with homeless students, providing support staff, or otherwise supplementing the services and coordination of the McKinney-Vento program. Methods of supplementing homeless education programs may vary. LEAs may consider using Title I, Part A, funds to provide those services that are authorized, but not required, under McKinney-Vento and not available through other sources such as providing expedited evaluations, referrals for medical services, after-school programming, mentoring, and/or school supplies. [42 USC 11433(d)]

### **Assisting With Services That Are Not Directly Related to Education**

Homeless students and their families often need social services such as housing and health care. When schools assist families with these needs, it can have a positive impact on the education of the child. For instance, housing assistance that leads to residential stability would prevent school transfers or lengthy bus rides to the school of origin, which would likely lead to an increased ability to improve performance on state assessments.

Title I, Part A, requires targeted assistance programs to coordinate with federal, state, and local services programs, including programs for housing, nutrition, violence prevention, Head Start, adult education, vocational and technical education, and job training. [20 USC 6315(c)(1)(H)]

McKinney-Vento has similar requirements for State Coordinators and local liaisons. [42 USC 11432(f)(4); 42 USC 11432(g)(5)] Both programs can work together in establishing relationships with these outside agencies and use those relationships to connect homeless families with these vital programs.

Further, if funds for social services are not reasonably available from other public or private sources, then Title I, Part A, dollars may be used as a last resort to fund these services. [20 USC 6315(e)(2)] Examples provided within the law include using Title I, Part A, monies to: purchase eyeglasses; pay for health, nutrition, and other social services; or provide specialized professional development. Expenditures must be linked to the child's educational needs.

### **Leveraging Resources**

In LEAs with McKinney-Vento subgrants, the Title I coordinator and local liaison should discuss the most effective way to leverage resources. In LEAs without McKinney-Vento subgrants, the Title I program will likely be an essential resource for providing services for homeless students. In addition, LEAs can explore non-federal funding options in the form of state grant programs, private donations, or local funds.

### **Suggestions for Services**

After assessing the needs of homeless students, the homeless education program and Title I program staff, along with other district-level administrators, may consider funding the following:

- Before-school, after-school, and/or summer programs
- Outreach services to students living in shelters, motels, and other temporary residences to help identify homeless children and youth and advise them of available school programming
- Basic needs such as clothing, uniforms, school supplies, and health-related needs
- Counseling services
- The hiring of teachers, aides, and tutors to provide supplemental instruction to students whose achievement is below grade level
- The work of the local liaison
- Parental involvement programs that make a special effort to reach out to parents in homeless situations
- Research-based programs that benefit highly mobile students
- Data collection to assess the needs and progress of homeless and other highly mobile students



## **Collaborations Between Homeless and Title I Programs**

The No Child Left Behind Act requires that both state and LEA Title I plans be coordinated with the McKinney-Vento Homeless Assistance Act. [20 USC 6311(a)(1); 20 USC 6312(a)(1)] Coordination of services results in the most effective use of resources, ensuring that the needs of students experiencing homelessness are addressed in a comprehensive and integrated fashion. Local liaisons, who are required to be appointed in every LEA, and district Title I coordinators should communicate and collaborate on an ongoing basis to identify the needs of children and youth experiencing homelessness, review resources, and plan ways to address needs. Collaboration results in a "win-win" situation: homeless students achieve to high standards, and overall student achievement in the LEA increases.

The following are strategies to help facilitate collaboration between Title I and McKinney-Vento:

- Develop systems to facilitate cross program collaborations on state and local plans for both McKinney-Vento and Title I.
- Articulate clearly how the local liaison will be able to access Title I, Part A, set-aside funds.
- Provide Title I and McKinney-Vento personnel with cross program trainings and materials.
- Collect and share data across programs on the needs of homeless and other low-income students along with information on effective programs to address these needs.
- Involve homeless education personnel in the creation of schoolwide Title I programs, targeted assistance programs, and plans for school improvement. This would ensure that the needs of homeless students are addressed within those plans.
- Locate Title I and homeless education program offices near one another.
- Ensure local liaison representation on the Committee of Practitioners.
- Include homeless parents in Title I parent involvement policies and create opportunities for homeless parents to be involved.

## **Homeless Children and State Assessments**

According to Title I, Part A, regulations, states must include homeless students (as defined by the McKinney-Vento Act) in their academic assessment, reporting, and accountability systems. [Title I, Part A, Regulation 200.6(d)] States are not required to disaggregate the assessment results of homeless students as a separate category, but LEAs and states should include assessments of homeless students in the economically disadvantaged category of disaggregation in addition to other applicable categories.<sup>6</sup>



## Endnotes

1. *Texas Education Agency, A Study of Student Mobility in Texas Public Schools: Statewide Texas Educational Progress Study Report No. 3. (1997); Russell Rumberger, "Student Mobility and Academic Achievement," ERIC Digest (June 2002).*
2. *Homes for the Homeless and the Institute for Children and Poverty, Homeless in America: A Children's Story (Part One) 10 (1999).*
3. *U.S. Department of Education, Education for Homeless Children and Youth Program Non-Regulatory Guidance, July 2004, M-4.*
4. *U.S. Department of Education, Education for Homeless Children and Youth Program Non-Regulatory Guidance, July 2004, M-4.*
5. *U.S. Department of Education, Education for Homeless Children and Youth Program Non-Regulatory Guidance, July 2004, M-4.*
6. *U.S. Department of Education, Education for Homeless Children and Youth Program Non Regulatory Guidance, July 2004, M-5.*

## Related Excerpts from Legislation and Guidance

M-4. What types of services may an LEA provide to homeless students with funds reserved under Section 1113(c)(3) of Title I?

An LEA may use funds reserved under this section to provide services to eligible homeless students in both Title I and non-Title I schools that are comparable to services provided to non-homeless students in Title I schools. Services provided should assist such children in meeting the State's challenging academic content and academic achievement standards.

An LEA has the discretion to use reserved funds to provide a homeless student with services that are not ordinarily provided to other Title I students and that are not available from other sources. For example, where appropriate, an LEA at its discretion may provide a student with an item of clothing to meet a school's dress or uniform requirement so that student may effectively take advantage of educational opportunities.

U.S. Department of Education,  
*Education for Homeless Children and Youth Program Non-Regulatory Guidance (July 2004)*

## "STATE PLANS.

### (a) PLANS REQUIRED.—

- (1) **IN GENERAL.**—For any State desiring to receive a grant under this part, the State educational agency shall submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, the Adult Education and Family Literacy Act, and the McKinney-Vento Homeless Assistance Act."

20 USC 6311(a)(1)

## "LOCAL EDUCATIONAL AGENCY PLANS.

### (a) PLANS REQUIRED.—

- (1) **SUBGRANTS.**—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan, approved by the State educational agency, that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the McKinney-Vento Homeless Assistance Act, and other Acts, as appropriate...

### (b) PLAN PROVISIONS.—

- (1) **IN GENERAL.**—In order to help low-achieving children meet challenging achievement academic standards, each local educational agency plan shall include—...

(E) a description of how the local educational agency will coordinate and integrate services provided under this part with other educational services at the local educational agency or individual school level, such as—...

(ii) services for children with limited English proficiency, children with disabilities, migratory children, neglected or delinquent youth, Indian children served under part A of title VII, homeless children, and immigrant children in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program;...

(O) a description of the services the local educational agency will provide homeless children, including services provided with funds reserved under section 1113(c)(3)(A);"

20 USC 6312

**"RESERVATION.**—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

- (A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where children may live;"

20 USC 6313(c)(3)

### "(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

- (1) **IN GENERAL.**—A schoolwide program shall include the following components:

(A) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes the achievement of children in relation to the State academic content standards and the State student academic achievement standards described in section 1111(b)(1).

(B) Schoolwide reform strategies that—

(i) provide opportunities for all children to meet the State's proficient and advanced levels of student academic achievement described in section 1111(b)(1)(D);

(iii) (I) include strategies to address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student academic achievement standards who are members of the target population of any program that is included in the schoolwide program, which may include—

(continued on the next page)

(aa) counseling, pupil services, and mentoring services;

(bb) college and career awareness and preparation, such as college and career guidance, personal finance education, and innovative teaching methods, which may include applied learning and team-teaching strategies; and

(cc) the integration of vocational and technical education programs;..."

20 USC 6314(b)(1)

**"TARGETED ASSISTANCE SCHOOLS.**

**(b) ELIGIBLE CHILDREN FROM ELIGIBLE POPULATION**

**(2) CHILDREN INCLUDED.—**

(A) **IN GENERAL.**—Children who are economically disadvantaged, children with disabilities, migrant children or limited English proficient children, are eligible for services under this part on the same basis as other children selected to receive services under this part ....

(E) **HOMELESS CHILDREN.**—A child who is homeless and attending any school served by the local educational agency is eligible for services under this part.

(3) **SPECIAL RULE.**—Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in paragraph (2) but may be used to coordinate or supplement such services."

20 USC 6315(b)

**"(2) COMPREHENSIVE SERVICES.—If—**

(A) health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers; and

(B) funds are not reasonably available from other public or private sources to provide such services, then a portion of the funds provided under this part may be used as a last resort to provide such services, including—

(i) the provision of basic medical equipment, such as eyeglasses and hearing aids;

(ii) compensation of a coordinator; and

(iii) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children."

20 USC 6315(e)

"Inclusion of all students...

(d) Students experiencing homelessness.

- (1) A State must include homeless students, as defined in section 725(2) of Title VII, Subtitle B of the McKinney-Vento Act, in its academic assessment, reporting, and accountability systems, consistent with section 1111(b)(3)(C)(xi) of the Act.
- (2) The State is not required to disaggregate, as a separate category under Sec. 200.2(b)(10), the assessment results of the students referred to in paragraph (d)(1) of this section."

34 CFR 200.6

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This brief was developed by:

National Center for Homeless Education  
800-308-2145 (toll-free HelpLine)  
[www.serve.org/nche](http://www.serve.org/nche)

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Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the

McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website at [www.serve.org/nche](http://www.serve.org/nche).



For further information on the McKinney-Vento Act and resources for implementation, call the NCHE HelpLine at 800-308-2145 or e-mail [homeless@serve.org](mailto:homeless@serve.org).



**Local Contact Information:**